

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 19-044-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.02, THE COMPOSITE ZONING ORDINANCE TO AMEND MASONRY AND ARCHITECTURAL REQUIREMENTS FOR BUILDINGS AND ACCESSORY STRUCTURES; AMENDING GARAGE REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Planning & Zoning Commission held a public hearing on the proposed amendments to Section 14.02.001, Article 14.02, Chapter 14, Leander Code of Ordinances (the "Composite Zoning Ordinance"), and forwarded its recommendation on the amendments to the City Council; and

WHEREAS, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

WHEREAS, the amendments governing masonry set forth herein are adopted for the purpose of implementing changes in the law enacted by House Bill 2439;

WHEREAS, a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019, are exempt from the requirements of HB 2439; and

WHEREAS, pursuant to the terms of the Composite Zoning Ordinances, the purpose and intent of PUDs are to create unified standards for development, produce overall higher standards than what would be provided by the base zoning district, including establishing high architectural standards and consistent architectural features and designs throughout the PUD;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

SECTION 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Amendment of Article I, Section 6. Article I, Section 6 of the Composite Zoning Ordinance is amended by adding the following definitions:

Masonry means brick, stone, or stucco.

SECTION 3. Amendment of Article II, Section 2(a). The second paragraph of Article II, Section 2(a) of the Composite Zoning Ordinance is amended in its entirety to read as follows (with the remaining paragraphs of Article II, Section 2(a) remaining the same except as amended herein):

(a) Certain uses listed in use components may not be feasible if they require site or architectural features not permitted by the site or architectural component. [Example: Vehicle sales is a permitted use in the GC (General Commercial) use component. However, if GC is not combined with a site component that permits the amount of outdoor display required for vehicle sales, the use may not be feasible. A GC use component combined with a Type 3 site component would limit outdoor display to not more than thirty percent (30%) of the area of the principal building. A Type 4 or Type 5 site component would increase outdoor display which could be more appropriate for a vehicle sales use.] [Example: A fast food restaurant is permitted in an LC (Local Commercial) use component. However, if it is combined with a Type 1 use component, it would not be permitted to have a drive through service lane.]

SECTION 4. Amendment of Article II, Section 2(a)(3). Article II, Section 2(a)(3) of the Composite Zoning Ordinance is amended in its entirety to read as follows:

(3) Architectural Components

Type A – Includes the highest building standards and a requirement of five different design features.

Type B – Includes high building standards and a requirement of four different design features..

Type C – Includes moderate building standards and a requirement of three different design features.

Type D – Includes moderate building standards and a requirement of two different design features. not facing a street (not applicable to residential uses).

SECTION 5. Amendment of Article III, Section 8(e). Article III, Section 8(e) of the Composite Zoning Ordinance is amended in its entirety to read as follows (with subsections (1) through (7) remaining unchanged):

(e) Miscellaneous Standards for the SFU/MH district and any district within the Leander Heights Subdivision, Sections 1, 2 and 3 and High Chaparral Subdivision: All primary single family and duplex structures other than manufactured homes shall comply with the applicable architectural component. All manufactured homes shall meet the following standards and are not required to meet the exterior wall standards of the applicable architectural component.

SECTION 6. Amendment of Article III, Section 13(c). Article III, Section 13(c) of the Composite Zoning Ordinance is amended in its entirety to read as follows:

(c) Density

- (1) The density shall not exceed eight (8) units per acre unless the following conditions are met:
 - (i) If the exterior surface area of buildings / structures are comprised of at least one-hundred (100%) percent Masonry and comply with the Type A Architectural Component, then the density may be increased to up to twenty-five (25) units per acre.
 - (ii) If the exterior surface area of buildings / structures are comprised of at least eighty-five (85%) percent Masonry for first story walls and fifty (50%) percent Masonry for each additional story; and comply with the Type B Architectural Component, then the density may be increased to up to eighteen (18) units per acre.

SECTION 7. Amendment of Article III, Section 17(b)(9). Article III, Section 17(b)(9) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

- (9) Mini-warehouse or self-service storage facilities [required to be set back at least four hundred (400) feet from a tollway, highway or arterial roadway or such facilities include exterior warehouse doors], warehouse and distribution, commercial storage. If the exterior surface area of all walls are comprised of one-hundred (100%) percent Masonry and comply with the Type A architectural component, then Mini-warehouse or self-service storage facility is permitted without the required four hundred (400) foot setback.

SECTION 8. Amendment of Article III, Sections 19(d)(7) and (8). Article III, Section 19(d)(7) of the Composite Zoning Ordinance and the first paragraph of Article III, Section (d)(8) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows (and the remaining subsections of Article III, Section (d)(8) shall remain unchanged):

- (7) In approving a PUD, no standards shall be modified unless such modification is expressly permitted by this ordinance, and in no case shall standards be modified when such modifications are prohibited by this ordinance or may negatively impact the health, safety and welfare of the public. PUDs approved before April 1, 2019 shall comply with the masonry requirements set forth in the Composite Zoning Ordinance in effect before the effective date of Ordinance No. 19-044-00 or the masonry requirements set forth in the PUD, if masonry requirements were modified by the PUD.
- (8) The PUD shall result in overall higher standards than what would be provided by the base zoning district. As examples: (1) if residential lot sizes are decreased or development densities are increased, the PUD will be expected to significantly exceed other standards such as parkland and facilities dedication, landscaping, architectural controls, thoroughfare or other transportation improvements, creation of unique characteristics of the neighborhood, retention of significant trees and/or

provision of public facilities, etc., or (2) if building/development setbacks are proposed to be decreased, other standards would be expected to be increased such as landscaping, screening, retention of significant trees, architectural controls, land uses and/or unique site layout standards, etc. Other examples may include:

SECTION 9. Amendment of Article IV, Section 5(n). Article IV, Section 5(n) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

- (n) Exterior wall standards (except for agricultural accessory buildings / structures)
 - (1) Accessory buildings / structures are permitted and may not exceed 120 square feet in area and shall closely resemble the main building unless the following conditions are met:
 - (i) If accessory buildings / structures utilize exterior grade wood, fiber-cement planking or other equivalent or better siding, or masonry then the building may be between 120 - 300 square feet in area.
 - (ii) If accessory buildings / structures utilize Masonry, then the building may be over 300 square feet in area.

SECTION 10. Amendment of Article V, Section 3(b)(2)(v)(e). Article V, Section 3(b)(2)(v)(e) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

- e. Gasoline pumps shall be located no closer to the street than the primary structure. Gasoline pumps may be located closer to the street than the primary structure if the exterior surface area of all primary structure walls and the fuel canopy columns are comprised of one hundred (100%) percent Masonry.

SECTION 11. Amendment of Article VI, Section 1(b)(11)(i). Article VI, Section 1(b)(11)(i) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

- (i) For every six hundred (600) square feet of landscape area and setback area required by this ordinance, two (2) shade trees (two inch caliper or larger) and four (4) shrubs (five gallon container size or larger) shall be planted. Two ten gallon ornamental trees may be substituted for every one required shade tree as long as at least half of the required number of shade trees is installed. If the exterior surface area of all walls for non-residential or multi-family buildings / structures are comprised of one hundred (100%) percent Masonry, then the ratio may be reduced to one (1) shade tree per six hundred (600) square feet in the front setback.

SECTION 12. Amendment of Article VI, Section 6(a). Setback Charts. The Setback Charts set forth in Article VI, Section 6(a), of the Composite Zoning Ordinance is hereby amended in its entirety to read as set forth in Exhibit A.

SECTION 13. Amendment of Article VI, Section 6(f)(1). Article VI, Section 6(f)(1) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

(f) Exceptions:

- (1) An applicant may obtain a reduced building or site improvements setback upon approval of the Director of Planning, when a variable setback that contains the same total area as the required setback would create a more esthetically pleasing development; when site conditions make strict compliance with the setback undesirable or impractical; or when the character of the development (or surrounding development) makes the standard setback undesirable or inconsistent. Examples of such site conditions include, but are not limited to, the following:

- (i) Existing buildings, existing adjacent development built to other standards, utilities or other improvements
- (ii) Unusual shape of lot, tract or building site
- (iii) Topography, soil, geologic, vegetation (including existing trees or other vegetation) or other natural feature
- (iv) Safety (e.g. vehicle sight distance, impediments to emergency or other vehicle maneuvering, visibility of traffic or safety related signage)

The request shall, as a whole, meet or exceed the standards of this ordinance. If a setback is reduced, landscape plantings shall be increased to off-set any undesirable impacts from the reduced setback and the Masonry shall be increased to eighty-five (85%) percent of the exterior surface area for first story walls and fifty (50%) percent of the exterior surface area for each additional story. The Director of Planning shall consider approval or disapproval of a reduced setback with the following conditions:

- (i) The minimum setback area shall not be reduced by more than 5%.
- (ii) Additional landscaping required to off-set any undesirable impact shall be established to provide effective screening in the area of the reduced setback.
- (iii) The setback shall not result in a negative impact to adjoining property.
- (iv) A front or rear yard setback in a single-family or two-family district may be reduced by no more than five feet from the minimum standard requirement.
- (v) A side yard setback may not be reduced to less than five feet without the Fire Chief's approval, and in no case shall principal buildings be located closer than ten feet to one another.

SECTION 14. Amendment of Article VI, Section 6(f)(11). The first paragraph of Article VI, Section 6(f)(11) is hereby amended by adding subsection (g) to read as follows (with the remaining subsections of Article VI, Section 6(f)(11) remaining the same:

- (11) Enclosed accessory buildings shall be prohibited in front of and to the side of the main building. Enclosed accessory buildings may be located to the side of the main building as long as the building is either screened from view of the right-of-way or the exterior surface area of the street facing walls is comprised of Masonry. Otherwise, accessory buildings / structures shall have the same setbacks as primary buildings except as follows:

SECTION 15. Addition of Section 6(g) to Article VI. Article VI, Section 6 is hereby amended by adding subsection (g) to read as follows:

(g) Setback Incentives

- (1) If the exterior surface area of buildings / structures are comprised of at least eighty-five (85%) percent of first story walls and fifty (50%) percent of the exterior surface area of each additional story, then the following setbacks may be applied:

NON-RESIDENTIAL & MULTI-FAMILY DISTRICTS					
	Use Component	Min Front	Min Side	Min Street Side	Min Rear
All Other Streets	NR	15' *	5'	15'	15'
	MF	20'	10'	20'	20'
	LO, LC, GC, HC, HI	20'	10'	20'	10'
Special Setback Where Adjacent to SFR, SFE, SFS, SFU, SFC, SFL, SFU/MH, CH, TH, TF**	MF, LO, LC, GC, HC, HI	(NA)	25'	(NA)	25'

- (2) If the exterior surface area of building / structure is comprised of one hundred (100%) percent Masonry, then the following setbacks may be applied.

NON-RESIDENTIAL & MULTI-FAMILY DISTRICTS					
	Use Component	Min Front	Min Side	Min Street Side	Min Rear
All Other Streets	NR	15' *	5'	15'	15'
	MF	20'	10'	20'	20'
	LO, LC, GC, HC, HI	15'	10'	15'	10'
Special Setback Where Adjacent to SFR, SFE, SFS, SFU, SFC, SFL, SFU/MH, CH, TH, TF**	MF, LO, LC, GC, HC, HI	(NA)	20'	(NA)	20'

SECTION 16. Amendment of Article VII, Section 1(b). Article VII, Section 1(b) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

(b) Exterior Wall Standards:

- (1) All building materials for primary buildings / structures shall comply with the permitted building materials approved by the International Building Code from one of the past three code cycles. A minimum of fifteen percent (15%) of the front primary building façade for buildings in commercial or residential districts shall consist of window or door openings. Window and door areas of the front façade may be reduced to 10% of area of façade if one additional architectural feature is added beyond the requirement stated in paragraph (2) below.
- (2) All building fronts shall have at least five different design features to break the wall plane, buildings over 50,000 square feet in size shall have at least seven different design features, and buildings over 100,000 square feet shall have at least nine different design features. The following are examples of the types of design features that shall be utilized: horizontal off-sets, recesses or projections, porches, breezeways, porte-cocheres, courtyards, awnings, canopies, alcoves, recessed entries, ornamental cornices, display or other ornamental windows, vertical “elevation” off-sets, peaked roof forms, arches, outdoor patios, architectural details such as tile work or moldings integrated into the façade, integrated planters or wing walls, accent materials, varied roof heights, premium roofing materials such as tile or standing seam metal, or similar design features approved by the Director of Planning (see Figure S – following page).
- (3) Windows shall have a maximum exterior reflectivity of twenty percent (20%).

SECTION 17. Amendment of Article VII, Section 2(b). Article VII, Section 2(b) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

(b) Exterior Wall Standards:

- (1) All building materials for primary buildings / structures shall comply with the permitted building materials approved by the International Building Code from one of the past three code cycles. A minimum of fifteen percent (15%) of the front primary building façade for buildings in commercial or residential districts shall consist of window or door openings. Window and door areas of the front façade may be reduced to 10% of area of façade if one additional architectural feature is added beyond the requirement stated in paragraph (2) below.
- (2) All building fronts shall have at least four different design features to break the wall plane, buildings over 50,000 square feet in size shall have at least six different design features, and buildings over 100,000 square feet shall have at least seven different design features. The following are examples of the types of design features that shall be utilized: horizontal off-sets, recesses or projections, porches, breezeways, porte-cocheres, courtyards, awnings, canopies, alcoves, recessed entries, ornamental cornices, display or other ornamental windows, vertical “elevation” off-sets, peaked roof forms, arches, outdoor patios, architectural details such as tile work or moldings integrated into

the façade, integrated planters or wing walls, accent materials, varied roof heights, premium roofing materials such as tile or standing seam metal, or similar design features approved by the Director of Planning.

- (3) Windows shall have a maximum exterior reflectivity of twenty percent (20%).

SECTION 18. Amendment of Article VII, Section 3(b). Article VII, Section 3(b) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

(b) Exterior Wall Standards:

- (1) All building materials for primary buildings / structures shall comply with the permitted building materials approved by the International Building Code from one of the past three code cycles. A minimum of fifteen percent (15%) of the front primary building façade for buildings in commercial or residential districts shall consist of window or door openings.
- (2) All building fronts shall have at least three different design features to break the wall plane, buildings over 50,000 square feet of gross floor area shall have at least five different design features, and buildings over 100,000 square feet shall have at least six different design features. The following are examples of design features that shall be utilized: horizontal off-sets, recesses or projections, porches, breezeways, porte-cocheres, courtyards, awnings, canopies, alcoves, recessed entries, ornamental cornices, display or other ornamental windows, vertical “elevation” off-sets, peaked roof forms, arches, outdoor patios, architectural details such as tile work or moldings integrated into the façade, integrated planters or wing walls, accent materials, varied roof heights, premium roofing materials such as tile or standing seam metal, or similar design features approved by the Director of Planning.
- (3) Windows shall have a maximum exterior reflectivity of twenty percent (20%).

SECTION 19. Amendment of Article VII, Section 4(b). Article VII, Section 4(b) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

(b) Exterior Wall Standards:

- (1) All building materials for primary buildings / structures shall comply with the permitted building materials approved by the International Building Code from one of the past three code cycles. Metal exterior walls shall be compatible in color with existing surrounding structures and shall be muted earth tones. Exterior finishes for metal walls shall be of a permanent material such as baked on enamel finish or painted to the wall manufacturer standards. The use of unpainted exterior metal finish is prohibited.
- (2) All building fronts visible from a public street or residential district shall have at least two different design features to break the wall plane, buildings over 50,000 square feet in size shall have at least four different design features, and buildings over 100,000 square feet shall have at least five different design features. The following are examples of the types of design features that shall be utilized: horizontal off-sets, recesses or projections, porches, breezeways, porte-cocheres, courtyards, awnings, canopies, alcoves, recessed entries, ornamental cornices, display or other ornamental windows, vertical “elevation” off-sets, peaked roof forms, arches, outdoor patios, architectural

- details such as tile work or moldings integrated into the façade, integrated planters or wing walls, accent materials, varied roof heights, premium roofing materials such as tile or standing seam metal, or similar design features approved by the Director of Planning.
- (3) This component also permits facilities that have no exterior walls as a primary use which exposes mechanical, electrical or other facilities.

SECTION 20. Repeal of Article VII, Sections 1(c), 2(c), 3(c), and 4(c) and Article VIII, Section 1(c). Article VII, Sections 1(c), 2(c), 3(c), and 4(c) and Article VIII, Section 1(c) of the Composite Zoning Ordinance are hereby repealed.

SECTION 21. Amendment of Article VIII, Section 5. Article VIII, Sections 5(a) and (b) of the Composite Zoning Ordinance are hereby amended in its entirety to read as follows:

- (a) Brick, stone, cast stone or other similar masonry products, when used, shall not be painted.
- (b) The number of combinations of single-family or two-family residential floor plans and elevations in any final plat section shall, at a minimum, equal at least twenty-five percent (25%) of the total lots in the final plat, but is not required to exceed fifteen. (For example, five floor plans with three different elevation options for each floor plan results in fifteen different floor plan/elevation combinations.)
- (c) No two homes side by side or across the street within one house (directly across the street or “caddy corner” across the street) shall have the same elevation plan or the same floor plan except for the SFT district.
- (d) In the event of a natural disaster (tornado, fire, etc.) the resident may replace the current structure with a new structure built of the same masonry percentages as the pre-existing residence.
- (e) All exterior walls on remodels and additions must be consistent with the exterior of the existing dwelling.
- (f) Recreational vehicles, travel trailers and manufactured/mobile homes shall not be used for on-site dwelling or for any nonresidential or other purpose except as authorized in an SFU/MH district, as provided in [Article IV, Section 2](#), Special Use Permit or as otherwise permitted in this ordinance.
- (g) Residential dwelling street-facing garage standards. To prevent residential streetscapes from being dominated by garage doors, and to allow the visually interesting features of the house to dominate the streetscape, the following standards shall apply:
 - (1) All residential dwellings in the CH, SFL and SFT districts and on any lot or building envelope less than fifty (50) feet wide may provide access to garages from a rear alley.
 - (2) All garages and parking areas in NR districts shall be accessed from a rear alley or located behind the primary structure.
 - (3) Three car garages in the SFC district may only have two (2) street facing garage bay openings unless the lot is wider than fifty (50') feet.
 - (4) No residential dwellings within the SFR districts shall have front entry, street facing garages forward of the front wall of the primary structure.
 - (5) No more than two (2) street facing garage bays may be adjacent to each other on attached dwellings such as duplexes and townhouses.

- (6) Except as provided for in this subsection, street-facing garages must be recessed at least five (5) feet behind the ground floor living area of the dwelling or a roof-covered porch that is at least seven (7) feet wide by six (6) feet deep.
- (7) For properties with the CH, SFT, SFL, or SFC use components, street-facing garages that incorporate enhanced architectural features as described in this section, may be flush or protrude up to five (5) feet in front of the ground floor living area of the dwelling or roof-covered porch that is at least seven (7) feet wide by six (6) feet deep, but in no case shall the garage be setback from the street less than the minimum setback for the zoning district.
- (8) For properties with the SFU, SFS, SFE, or SFR use components, street-facing garages may be flush or protrude up to five (5) feet in front of the ground floor living area of the dwelling or roof-covered porch that is at least seven (7) feet wide by six (6) feet deep, but in no case shall the garage be setback from the street less than the minimum setback for the zoning district.
- (9) For garages that meet the standards of subsection (7) and where the site topography (typically slopes greater than 10% or for other similar topography as allowed by the Planning Director) requires stairs from the garage into the living space, the garage may protrude up to eight (8) feet in front of the ground floor living area of the dwelling or roof-covered porch that is at least seven (7) feet wide by six (6) feet deep, but in no case shall the garage be setback from the street less than the minimum building setback for the zoning district.
- (10) The Planning Director may approve garage placement that does not meet the standards of this section in the case of unique site conditions including the existence of significant trees, extreme topography and similar natural features.
- (11) For the purposes of this subsection, enhanced architectural features shall include:
 - a. Architectural garage doors that are painted to match the color scheme of the house and include decorative hardware; or
 - b. Doors that have a natural wood appearance; and
 - c. Both subsection a. and b. above must also be combined with at least one of the following features:
 - (i.) a garage door recess of at least two (2) feet;
 - (ii.) a roof overhang over the garage doors with supporting architectural columns that extends at least two (2) feet in front of the garage doors; or
 - (iii.) any similar architectural feature, approved by the Planning Director, that diminishes the prominence of the garage doors on the street-facing building facade.
- (12) Garages accessed from rear alleys are exempt from the standards of this section.
- (13) Second or higher floor living areas do not count toward the measurement of ground floor street-facing linear building frontage.
- (14) The following residential lot mix requirements shall apply to all new residential subdivisions except those served by on-site sewage treatment systems. For the purposes of this section, net acres shall mean the total acres of the subdivision minus the required parkland. In addition, three (3) car garages with only one (1) street-facing garage bay do not count as street-facing garages for the purposes of this section.

- a. Subdivisions between zero (0) and thirty (30) net acres shall not have a specific residential lot mix requirement.
- b. Subdivisions greater than thirty (30) and less than ninety (90) net acres shall include at least two (2) different residential use components each of which shall include at least twenty (20%) of the lots within the subdivision.
- c. Subdivisions greater than ninety (90) net acres shall include at least three (3) different residential use components each of which shall include at least twenty (20%) of the lots within the subdivision.

(h) Master Architectural Plan

- (1) The intent of the Master Architectural Plan is to provide for a cohesive development on all four corners at the intersections of arterials and collectors. This plan should incorporate common elements that evoke a sense of place and have elements that contribute to cohesive identity.
- (2) Development on all four corners of intersections of arterials and collectors shall provide and comply with a Master Architectural Plan that incorporates the following:
 - (i) Exterior building materials used on the exterior of each structure.
 - (ii) Exterior building color palettes.
 - (iii) Exterior elements of building facades such as wall accents, covered entries, columns, or other features.
 - (iv) Other elements as approved by the Director of Planning.
- (3) Development at these intersections shall comply with the plan after the date of the initial submittal of a Master Architectural Plan.
- (4) This plan shall be submitted with the site development permit for the project. The plan may be amended as the intersection develops to incorporate additional standards.

SECTION 22. Amendment of Article VIII, Sections 6 - 9. Article VIII, Sections 6-9 of the Composite Zoning Ordinance are hereby amended in its entirety to read as follows:

SECTION 6: SOFFITS AND FACIA; MANSARD ROOFS

- (a) All non-residential roof fascia and soffits shall be constructed of a non-combustible material.
- (b) Fascia shall not be increased (e.g. sign bands) nor shall mansard roofs, Quonset roofs, "A" frame designs or other similar roofs be utilized when having the effect of reducing the normal amount of exterior wall surface area. Sign bands may not exceed three feet in height and may not extend across more than forty percent (40%) of a structure frontage.

SECTION 7: ROOFS

- (a) Unless constructed as a roof deck, all residential roofs shall be peaked and have at least a 5:12 pitch except for porches and shed roofs which may be constructed to a minimum pitch of 2:12.
- (b) Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical or other rooftop equipment.

SECTION 8: HEIGHT

- (a) No building / structure height shall exceed thirty-five (35) feet except as provided in Article VIII, Section 9.

SECTION 9: EXCEPTIONS

- (a)** The height limits prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, necessary public or private utilities, conveyors, flag poles, agricultural buildings or related structures and necessary mechanical appurtenances unless they extend twenty (20) feet above the maximum height established for the district.
- (b)** Public or semi-public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet and churches and other places of worship may be erected to a height not exceeding seventy-five (75) feet when each of the required yards is increased by one (1) foot for each two (2) feet of additional building height above the height limits for the district in which the building is located.
- (c)** No structure shall be erected to a height in excess of that permitted by regulations of the Federal Aviation Agency that apply to the area in which the structure is located.
- (d)** The Building Official and the Director of Planning may approve variations of up to 5% in architectural standards including, but not limited to, the amount of masonry required, building height and roof pitch.
- (e)** Agricultural buildings and recreational storage buildings are exempt from exterior wall standards.
- (f)** Maintenance and additions to existing structures are permitted in conformance with the existing standards of the structure including standards that relate to masonry, setback, architectural, landscaping or other zoning standards, as long as an addition does not exceed 50% percent of the existing gross floor area or 900 square feet, whichever is greater, but never more than 100% of the existing structure. However, metal siding and manufactured homes are not permitted to be added to a structure unless permitted under current zoning regulations.
- (g)** Solar energy systems and small wind energy systems meeting the standards of Article IV, Sec. 5 of this code are exempt from this Article.
- (h)** Development incentives:
 - (1)** Building / structure height
 - a.** Non-residential or multi-family structures may exceed the permitted building height if they meet the following conditions:
 - (i)** If the exterior surface areas of street facing walls of buildings / structures are comprised of sixty (60%) percent Masonry, then the height shall be limited to forty (40') feet at a distance of thirty (30') feet from single-family or two-family districts unless such district is utilized for non-residential uses.
 - (ii)** If the exterior surface areas of buildings / structures are comprised of at least eighty-five (85%) percent of first story walls and fifty (50%) percent of each additional story, then the height shall be limited to a height of thirty-five (35) feet at a distance of twenty-five (25) feet plus one foot for each one foot of setback beyond twenty-five (25) feet from a permanent single-family or two-family district unless such district is utilized for non- residential use. Otherwise, the maximum primary building / structure height for any non-

residential or multi-family district shall not exceed forty five (45) feet.

- (iii) If the exterior surface areas of all walls of buildings / structures are comprised of at least one hundred (100%) percent of the combined exterior surface area of all walls, including all stories then no primary structure / building shall exceed a height of thirty (30) feet at a distance of twenty (20) feet plus one foot for each one foot of setback beyond twenty (20) feet from a single-family or two-family use district unless such district is utilized for non- residential use (see Figure T – following page). Otherwise, the maximum primary building / structure height for any non-residential or multi-family district shall not exceed forty five (45) feet except that a building may be erected to a height of ninety (90) feet if building setbacks for the building or portions of a building exceeding forty five (45) feet are increased one foot in distance for each two feet of additional building height in excess of forty five (45) feet (except as provided in Article VIII, Section 8).

SECTION 23. Conflicting Ordinances. Exhibit “A”, Section 14.02.001, Article 14.02, Leander Code of Ordinances and of Ordinance No. 05-018-00 is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 24. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 25. Effective Date. After its passage of this Ordinance in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter, this Ordinance shall be effective on September 1, 2019.

SECTION 26. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision,


and to this end the provisions of this Ordinance are declared to be severable.

SECTION 27. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the First Reading on this the 15th day of August of 2019.

FINALLY PASSED AND APPROVED on the Second Reading this the 15th day of August of 2019.

THE CITY OF LEANDER, TEXAS


Troy Hill, Mayor

ATTEST:


Dara Crabtree, City Secretary



EXHIBIT A

BUILDING / STRUCTURE							
SINGLE-FAMILY RESIDENTIAL DISTRICTS							
	Use Component	Front	Side	Street Side	Rear		
Standard Setback	SFR	25'	7'	15'	15'		
	SFE, SFS, SFU, SFU/MH, TF	20'	5'	15'	15'		
	SFC, SFL	15' *	5' or 0' & 10'	15'	15'		
	CH*****	15'	5'	15'	15'		
	TH	10'*	5'	10'	10'		
	SFT	10' *	0 or 10'	15'	15'		
Garage Setback	SFR, SFE, SFS, SFU, SFU/MH. SFC. SFL, CH, SFT, TF See Article VIII, Section 5 (i)						
NON-RESIDENTIAL & MULTI-FAMILY DISTRICTS							
	Use Component	Max Front	Min Front	Min Side	Min Street Side	Max Street Side	Min Rear
A Street	NR	15'				15'	15'
	MF	15'				15'	20'
	LO, LC, GC, HC, HI	15'				15'	10'
	GC, HC, HI	15'				15'	15'
B Street	NR	75'				75'	15'
	MF	75'				75'	20'
	LO, LC, GC, HC, HI	75'				75'	10'
	GC, HC, HI	75'				75'	15'
All Other Streets	NR		15' *	5'	15'		15'
	MF		25'	10'	25'		20'
	LO, LC		20'	10'	20'		10'
	GC, HC, HI		25'	15'	25'		15'
Special Setback Where Adjacent to SFR, SFE, SFS, SFU, SFC, SFL, SFU/MH,	MF, LO, LC, GC, HC, HI		(NA)	50'	(N/A)		50'

CH, TH, TF**						
PARKING, AISLE, LOADING, CANOPIES, OUTDOOR DISPLAY						
	Use Component	Site Component	Front	Side	Street Side	Rear
Standard Setback	MF	All	20'	5'*****	20'	5'*****
	LO, LC, GC, HC, HI	Type 1, 2	15'	5'*****	15'	5'*****
		Type 3	20'	5'*****	20'	5'*****
		Type 4, 5	25'	5'*****	25'	5'*****
Special Setback Where Adjacent to SF or TF**	MF, LO, LC, GC, HC, HI	Type 1-3	(N/A)	15'	(N/A)	15'
		Type 4, 5	(N/A)	20'	(N/A)	20'
OUTDOOR STORAGE						
	Use Component	Site Component	Front	Side	Street Side	Rear
Standard Setback	LO, LC, GC, HC, HI	Type 3-4	***	5'*****	***	0'
		Type 5	25'	0'*****	25'	0'
Special Setback Where Adjacent to SF or TF**	LO, LC, GC, HC, HI	Type 3-5	(N/A)	25'	(N/A)	25'

- * In no case shall the garage be closer to the ROW than 18'
- ** Unless such district is utilized for a non-residential use
- *** No closer than the street facing wall of the primary structure that utilizes such storage.
- **** Setback does not apply for parking, drive aisles, storage etc. that are intended to cross lot line.
- ***** Setbacks are for the perimeter of the project, not the individual units.